

08-22-05

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Express Mail No.: EV 603557718 US

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IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

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Application Number: 10/731,316  
Filed: December 8, 2003  
Applicants: John Favuzzi, Benno Guggenheimer, Jeff Rau, Marc Key,  
Robert Lathrop, Rosanne Welcher  
Title: Method and Apparatus for Pretreatment of Tissue Slides  
TC/A.U: 1645  
Examiner:  
Attorney Docket: DakoCytoDestiny-PreTreat  
Customer No. 33,549

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**LETTER OF TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed with this correspondence are the following documents:

1. Submission of Information Disclosure Statement Pursuant To 37 C.F.R. 1.97(b)(3) and MPEP §609(B1);
2. Information Disclosure Statement pursuant to 37 CFR §1.97(b)(3) and copies of Foreign References and Other Documents cited;
3. This Letter of Transmittal; and
4. A Certificate of Express Mailing for each document and a return receipt post card.

I have this 18 day of August, 2005, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Please confirm receipt of the documents by applying your date stamp on the enclosed postcard and returning it to me.

Dated this 18 day of August, 2005.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue  
Nicole A. Ressue  
Attorney for Applicant  
PTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970) 224-3100



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**SUBMISSION OF INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. 1.97(b)(3) AND MPEP SECTION 609(B1)**

The applicant respectfully requests consideration of the attached Information Disclosure Statement. Pursuant to 37 C.F.R. 1.97(b)(3) and §609(B1) of the MPEP, no fee is required.

In accordance with 37 C.F.R. §1.97(b)(3), this Information Disclosure Statement is filed before the mailing date of a first office action (to the Applicant's best knowledge). As a means of complying with the duty of disclosure set forth in 37 C.F.R. §§1.56, 1.97, and 1.98, the following information may be material to the examination of the referenced application. Pursuant to 37 C.F.R. Section 1.97(g), this Information Disclosure Statement should not be construed as a representation that a search has been made. Additionally, pursuant to 37 C.F.R. §1.97(h) the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is or is considered to be material to patentability as defined in 37 C.F.R. 1.56(b). A copy of each item listed under Foreign References and Other Documents is enclosed.

Dated this 18 day of August, 2005.

Respectfully submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue  
Nicole A. Ressue  
Attorney for Applicant  
PTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b>	APPLICATION NO:	10/731,316
	FILING DATE:	December 8, 2003
	FIRST NAMED INVENTOR:	John Favuzzi
	ART UNIT:	1645
	EXAMINER NAME:	
	DOCKET NO:	DakoCyto Destiny-PreTreat

# I. U.S. PATENT DOCUMENTS

EXAMINE R INITIAL	DOCUMENT NO. & KIND CODE (if known)	PUB'N DATE mm-dd-yyyy	PATENTEE OR APPLICANT NAME	Pages, Columns, Lines Where Relevant Passages Or Relevant Drawings Appear
	2001/0006417	07/05/2001	Modlin et al.	
	2001/0037072A1	11/01/2001	Virtanen	
	2001/0055799A1	12/27/2001	Baunoch et al.	
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	4695430A	09/22/1987	Corville et al.	

EXAMINER INITIAL	DOCUMENT NO. & KIND CODE (if known)	PUB'N DATE mm-dd-yyyy	PATENTEE OR APPLICANT NAME	Pages, Columns, Lines Where Relevant Passages Or Relevant Drawings Appear
	4738824A	04/19/1988	Takeuchi	
	4886590A	12/12/1989	Tittle	
	4986891A	01/22/1991	Sarrine et al.	
	5104527A	04/14/1992	Clinkenbeard	
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	6387326B1	05/14/2004	Edwards et al.	
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	6800249B2	10/05/2004	de la Torre-Bueno	
	2004/00266015A1	12/30/2004	Dakocytomation Denmark A/S	
	2004/0064535A1	03/24/2005	Dakocytomation Denmark A/S	

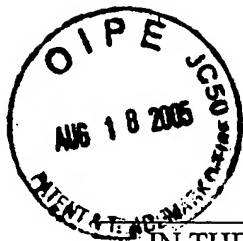
## II. FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	Foreign Patent Document Country Code, Number, Kind Code (if known)	PUB'N DATE mm-dd-yyyy	PATENTEE OR APPLICANT NAME	TRANSLATION	
				Yes	No
	ES 2160486 A1	11/1/2001	Consejo Superior Investigaciones Cientif		

	GB 2218514A	3/6/2003	General Motors Corporation		
	WO0106255A	1/25/2001	Byk Gulden Lomberg Chem Fab		
	WO 03/045560 A3	06/05/2003	Dakocytomation Denmark A/S		
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	WO 04/059441 A2	07/15/2004	Dakocytomation Denmark A/S		
	WO 04/059441 A3	07/15/2004	Dakocytomation Denmark A/S		
	WO 94/06080	03/17/199	Fault Tolerant Systems		
	WO 95/33240	12/07/1995	Biotek Solutions Incorporated		

### III. OTHER DOCUMENTS

	12 Most Frequently Asked Questions About Thermoelectric Cooling. In: Tellurex Corporation, accessed 10/27/2004, <a href="http://www.tellurex.com/12most.html">http://www.tellurex.com/12most.html</a>	
	US Application No. 11/156,760 filed June 20, 2005, entitled "Method and Apparatus for Automated Pre-Treatment and Processing of Biological Samples," 126 pages.	
EXAMINER		DATE CONSIDERED
EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.		



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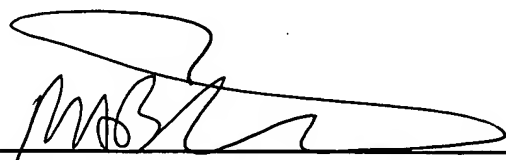
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**CERTIFICATE OF EXPRESS MAILING**

I, Michael Blackmore, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Submission of Information Disclosure Statement Pursuant To 37 C.F.R. 1.97(b)(3) and MPEP §609(B1); Information Disclosure Statement Pursuant to 37 CFR §1.97(b)(3) and copies of Foreign References and Other Documents cited; Letter of Transmittal; and return post card with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 18 day of August, 2005.

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Michael Blackmore